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May 6, 2024

By ECF

Hon. Gregory H. Woods
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Zivkovic v. Laura Christy LLC*, 17 Civ. 00553 (GHW)

Dear Judge Woods:

I am counsel for defendant David Ghanatfard. We write respectfully on behalf of Defendants in the above-referenced action to request that the Court enter the order clarifying the status of Class Plaintiffs' FLSA claims as soon as practicable. A panel of the United States Court of Appeals for the Second Circuit requested that clarification on March 5, 2024, to determine whether it had jurisdiction over Defendants' appeal ("Clarification Order"). The reason for this request is as follows:

On September 20, 2023, the Second Circuit expedited Defendants' appeal because defendant David Ghanatfard is grappling with stage-4 cancer. The appeal was argued on February 13, 2024, and the Clarification Order followed approximately three weeks later. In response, Your Honor directed the parties to submit letter-briefing regarding the Clarification Order and then conferenced the matter on April 26, 2024.

Approximately two months have passed since the Second Circuit issued the Clarification Order. In the meantime, Mr. Ghanatfard's serious health challenges persist. And, without an appellate determination, the complexity, costs, and human stress involved in the bankruptcy proceedings spawned by this case continue to grow rapidly. Defendants thus hope that their expedited appeal can be placed back on track quickly. They also fully appreciate the exacting daily demands placed upon the Court by the press of business and are therefore very grateful for the Court's consideration of this request.

Respectfully submitted,


Neal S. Comer

NSC:pt